

AN EULOGIUM

UPON

ANTONY LAUSSAT,

ESQUIRE,

LATE ONE OF THE VICE-PROVOSTS

OF THE

Law Academy of Philadelphia.

PRONOUNCED JANUARY 11TH, 1834.

BY JOHN PRINGLE JONES,

A MEMBER OF THE ACADEMY.

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EULOGIUM.



WE have not assembled, Gentlemen of the Law Academy, for the purpose of gratifying an illusive vanity under the specious pretext of honouring the dead, but for the honest purpose of paying a debt of private gratitude to the memory of a man, who was most active in bringing this institution into existence, in sustaining it during the feebleness of its infancy, and in conferring upon it honour and reputation by the exertion of his brilliant talents. We have followed him to that grave, in whose dreary depths are forever buried the bright and rational hopes, which his country, his profession and his friends, had built upon his youthful promise. And *now*, when the bitterness of grief is somewhat passed away—when the mind is no longer influenced by the heavy pressure of recent affliction—we have met together to indulge those melancholy feelings, which such a loss is calculated to inspire. The feeble voice, which you have designated to give utterance to your sorrows, will not elevate itself, in this time of mourning, into a strain of extravagant panegyric, outraging alike the sanctity of the tomb and the feelings of its hearers, but will endeavour to present an account of the life and character of the lamented *Laussat*, simple and unostentatious as was the man himself. It is believed that such an eulogium—if that the disembodied spirit hovers around the once-loved scenes of pleasure—would be to the invisible auditor the most fragrant incense praise could offer; and that to you, Gentlemen, nothing could be acceptable that is not strictly true. Another inducement to the design prescribed, arises from the consideration that the indi-

vidual, whose memory we cherish, was not much advanced beyond ourselves in the number of his years, and that therefore the faithful portraiture of his labours, may serve to guide some kindred spirit in the pathway of distinction, or rouse into active exertion some energies, which, though not less vigorous than *Laussat's*, have hitherto lain buried in obscuring inactivity. The brief career of an ambitious professional student, devoted to the pursuit of fame, cannot be expected to yield his eulogist much of that agreeable variety in which the memorials of all other classes of the *honoured* dead are so prolific; the deep seclusion in which such a man is ordinarily involved, covers his life with a veil impenetrable to the gaze of curiosity; he lives apart from the great mass, devoting his strength of mind and body to the gratification of his immortal passion, and leaves us nothing whereby to judge of him, except the production of his unseen, but untiring labours.

To review minutely the life of a man of this stamp, to search after the first development of his genius, to lay bare his efforts to surmount the rugged steep, from whose top he might "be known to all posterity," would be a delightful and instructive task; but it is one, from entering upon which I am precluded by an almost utter ignorance of the early and private history of the man. However, the meagre details, which an unceasing application has been enabled to procure, shall not be withheld; and, though vague and unsatisfactory, they cannot prove altogether devoid of interest, connected as they are with one, who inspired so much of that absorbing feeling.

The father of *Antony Laussat* was one of those unhappy fugitives, whom the unfavourable termination of the servile wars in St. Domingo drove forth from that lovely island to seek new fortunes in other climes. The ruined planter came to this city, bringing with him no resources, save the indestructible capital of honour, talents and industry, sustained by which, he rose superior to two subsequent prostrations of his self-acquired fortunes, and was enabled, in the decline of life,

to retire to the enjoyment of ease and happiness upon a fine estate, far removed from the scenes of commercial perplexity. It may well be imagined that a man, who had experienced so severely the vicissitudes to which material wealth is subjected, would feel most sensibly the importance of giving to his children a possession, over which external causes can but rarely exercise an influence. Impressed thus with expanded views of the necessity and value of education, he proceeded upon the most liberal principles, in extending the means of its attainment to the objects of his nearest solicitude ; and before the good old man was gathered to his fathers, he had lived long enough to rejoice over the wisdom of the course he had pursued, made manifest in its fruits, and to feel a sweet assurance that he himself had opened to an aspiring mind, the portals through which it was pressing onward to immortality. I must solicit your indulgence for thus attracting your attention to an individual so connected with the object of our meeting ; but the reputation of one's offspring is so often no more than a reflection from the mirror of the parental virtues, that upon principles of general morality, it belongs to the source from whence it is derived ; and we cannot too highly appreciate the worthy man, (however unknown to fame,) who gives to the republic a distinguished citizen, whose character is formed upon an imitation of the domestic model.

It was observed as a peculiar feature in the dawning intellect of our friend, that he displayed no decided preference for either of the great initiatory branches of learning, but was equally and eminently successful in his cultivation of those abstract sciences, which give to the reasoning faculty force and strength ; and of those ancient languages which offer imperishable instruction, whereby to form the heart or elevate the taste. Proficient, far beyond his years, in these, the prerequisite studies, he entered the University of Pennsylvania, and before he had attained the age of sixteen, was admitted by that venerable and excellent institution to the first degree in

the arts. That he did not graduate with the highest distinction, in the largest class that ever left the halls of the university, is to be ascribed, rather to his extreme youth, than to any cause unfavourable to his application or moral standing, for both of which the professors gave an unequivocal proof of their estimation, in assigning him a public exercise on the day of Commencement. The subject which he selected for his discourse, shows, that even then, his mind had turned in upon itself for the task of self-examination, and the discourse itself, (on the Various Sources of Mental Improvement,) exhibited a vigour of thought and an elegance of style, quite unusual on such occasions.

We now approach a period of his life, which, in the case of every individual, involves considerations of the deepest moment; intimately connected as it is with the realization of his fondest hopes of usefulness, happiness or renown. The process of his collegiate education, enabling him to form an impartial opinion of his talents, had prepared him to meet without prejudice and without distrust in himself, the great question, upon whose resolution so much depends; and calm, deliberate conviction of the propriety of the choice, led him to adopt the profession of the law. In this bold step, (for as such we must look upon the action of a boy not yet sixteen, abandoning the flowery fields of literature and the delights of science, to enter upon what are called the laborious and painful mysteries of legal learning,) we may easily recognize the promptness of purpose and clearness of judgment, for which our friend was afterwards so much distinguished. Conscious that no profession, that no business of life, however humble, opened an avenue to its highest appropriate reward, unless pursued with a concentration of all the powers to the one object, and prepared for the utmost devotion that might be required, he looked forward, not in idle vanity of heart, but with a certain prospect of attainment to the most dazzling distinctions of his chosen avocation. He fixed on the sun of honour an eagle-gaze, that

could not be averted. With such views of the importance of persevering application and industry, with an inflexible determination of spirit, that would not quail under difficulties, however weighty, he obtained admission into the office of a member of the Philadelphia bar, eminent for every qualification that can adorn the lawyer or dignify the man.*

For a few moments let us pursue our friend through the course of his professional life, and see how well he sustained the practice of those rigid principles, which he had marked out for the government of his conduct, the early formation of which is of inexpressible importance.

We sometimes behold a mind, gifted with transcendent powers, breaking through the ordinary restraints which an Infinite Wisdom has imposed, and soaring on the wings of its heaven-born energies, to command at once the wonder and delight of man. In contemplating such a character, that of a Patrick Henry for instance, how many, how very many unthinking men have formed to themselves the idea of emulating the seductive example; and in idle anticipation of a propitious hour, when, meteor-like, they should burst upon the astonished world,

——— have vanished from the earth,
Leaving no vestige of memorial there.

It is not by following these delusive phantoms, that in any profession we can rationally hope to realize success; but in *that* in which our lot is cast, more than in any other, he who turns him from the clear light of the torch of science, and pursues the glaring splendour of some gay deception, will find it “darken to despair,” and when repentance comes at last, *too late*, will find the glorious vision all dissolved in disappointment. There are other dangers, scarcely inferior to that of relying upon some subsequent development of eloquence or genius, which assail the student in a thousand shapes, and require him to be constantly panoplied in the armour of resolution, to resist their insidious temptations, or to repel their more

* Charles Jared Ingersoll, Esquire.

active, and more open assaults. The refined enjoyments of society, the allurements of Protean pleasure, are alike, though in different degrees, and by different means, calculated to withdraw him from deep and intense application.

How few are they, who have not listened to the bland and soothing whisperings of a vanity, that would penetrate the gloom of coming years, and make flattering promises, never, never to be fulfilled. How few are they, who have not mingled in, and felt the difficulty of withdrawing from the intoxicating delights of society? How very few are they who have dashed untasted from their lips, the chalice, whose potent draught is mixed by death, presented by deceit.

Through all the unreal and shadowy forms, in which these temptations hung around his path, our friend, erect in reason's majesty, passed on unharmed. To *him* the syren sung her song in vain. His mind of burning thought, his nature of deep feeling, his soul of lofty aspirations, were all averse to an inglorious use of life. The intellect of this kind can never stagnate into useless, miserable indolence; its faculties reach forth, and grasp at what is mighty; its course is like the living waters, invigorating all it touches; its sojourn on earth we measure not by time—"actions are its epochs." Original, powerful, and capacious, it moves not in the common sphere, but driven into motion, is governed by its own peculiar laws. Such is the character of mind, which can mould itself into any form of greatness; the impression of any passion, once stamped upon it, can never be effaced. The choice of a profession was in *Laussat* the 'impression of a passion,' and the untiring cultivation of it was necessarily the moving principle, the spring of every action. To attain the "vantage ground" of the science, his clear conception at once struck out the unerring road; and in patient investigation, severe, though made without the appearance of much effort, he laboured onward with a natural ardour that could not be resisted. Doubts and difficulties vanished before a perseverance, which was rather animated

than depressed by their presence ; before a resolution which gathered strength from their opposition. In these conflicts, from which common men retire disheartened, he gained lasting advantages ; his mind was disciplined into habits of reflection ; he learned to think for himself ; and giving, as he did, to every subject, the most unwearying attention, his opinions were remarkable for the force of argument and ingenuity with which they were sustained, and for the extensive research with which they were illustrated.

Bearing constantly in memory the observation of the author of Eunomus, “ that knowledge is not so much increased by a “ continued accession of new ideas, as by accurately comparing “ the relations of those ideas, which we have already received,” he did not launch out into vague and various reading, but confined himself to a well-directed course. On this he brought every energy of his intellect into operation, and chaining down imagination and the restless love of change, which might otherwise expose abstracted reason to their infinite intrusions, he pursued each principle, as it arose, up to its very source. The man who thus investigates our science, whose object is to penetrate the very sanctuary of its truth, can never degenerate into the mere “ *acutus præco actionum, cantor formularum,*” he must one day take a stand among the sages, whose philosophic minds have dignified and illuminated the subjects of their inquiry ; among those, who, in departing hence, carry not with them, *all*, wherewith they have adorned the world.

To us, Gentlemen of the Law Academy, it might be a source of profitable gratification, taking into view our destination in the same profession, to examine minutely the system of elementary instruction which was adopted in the legal education of *Laussat*, and which was so felicitous in its results, but circumstances sufficiently obvious, forbid our entering upon this fruitful and inviting theme.

There is, however, another subject connected with this period of *Laussat's* life, to which, in inviting your attention, I

may be allowed to indulge those feelings of honest pride, that it must ever inspire in the members of our Academy. His Essay on Equity in Pennsylvania was an academic exercise—a performance produced in the discharge of an academic duty, written without the expectation of its being known or heard of beyond the walls of the institution, and presented with an entire unconsciousness of the value of its contents. If the Law Academy had no other claim to notice than what is conferred by having stimulated the production of this essay, by having given forth this able vindication of our judicial polity, it is humbly conceived that such a claim should entitle her to no small share of public estimation. But apart from this, she can point to a living son whose *Treatise on the Penal System** has greatly enhanced the force of that claim; and to the many luminous addresses and opinions, which from time to time she has elicited from the distinguished gentlemen who constitute the faculty.

Permit me, now that we are met together to lament over the premature fate, which has forever deprived us of *Laussat*, to present to you an account of this essay; to some of you its history is well known; to many, nothing is known beyond the fact of its existence.

In the April of 1825, the Provosts appointed “for the subject of dissertation during the approaching recess,” Equity in Pennsylvania. The outline, which they sketched for the government of the writers who might be selected, embraced the much vexed question, whether, in this state, a separate Court of Chancery is indispensably necessary; and if a writer maintained the negative, he was farther required to point out the manner in which that court may be supplied. In the language of *Bolingbroke*, “To discover the reason of laws—to trace the laws of particular states, especially of his own, from the first rough sketches to the more perfect draughts—from the first cause or occasion that produced them, through all the effects, good or bad, that they produced,” was an em-

* J. R. Tyson, Esquire, now one of the Vice-Provosts.

ployment particularly congenial to the taste and habits of *Laussat*, and one, for the effective prosecution of which, the attention he had bestowed upon his previous studies was a certain pledge; with all the enthusiasm of nineteen, for he had then but very recently attained that age, he entered upon the labours of the appointment, and, incredible though it may appear, I am sustained by the very best authority in asserting, that in less than four months the work was finished. It is not by reference to the size of a book, that we can estimate the difficulty which attended its production. This is wholly independent of such a consideration, and, in the case before us, was, undoubtedly, much increased by unusual causes. The negative of the question proposed never had been a favourite with the profession; in fact, an almost unanimous voice condemned it; great caution, therefore, was requisite, in conducting its defence; in addition to this, it involved grave inquiries into civil policy, and deep antiquarian research; and as it was also to be treated in a legal point of view, the collection and arrangement of apposite authorities formed a difficulty, which no one can so well appreciate as the unpractised student. Submitted to the inspection of the Provosts, the essay drew from them the most flattering encomiums, and they urged upon the academy the propriety of publishing it, as a measure well calculated “to give a favourable opinion of the institution abroad.” It was not without extreme reluctance that the youthful author assented to the proposition. His modesty was disinclined from appearing before the tribunal of public opinion; he shrunk from even the appearance of presumption; what were his feelings upon this point, we may gather from his own words in the short preface, that he affixed to the printed work;—“as the publication of this essay is to “be ascribed exclusively to those who are at the head of our “institution, the writer trusts that he will be acquitted from “the imputation of a desire to obtrude himself upon an enlightened profession, from whom he has yet much to learn,

“and whom he certainly will not presume to instruct.” To canvass the intrinsic merits of this essay is not within my present duty; the question it discusses is one, which is, perhaps, definitively put to rest; and it only remains for us to hope that time will produce a perfection in our judicial constitution, from which it now is confessedly far removed. There have been, however, opinions upon the merits of this essay, which cannot be suppressed—that justice to the dead requires me to exhibit.

Chief Justice Marshall writes to our venerable Provost,* that “if any thing could move his prejudices in favour of the “separation of the Courts of Common Law and Equity, it “would be the argument of this essay.” An American lawyer could wish no higher commendation, than such a testimonial from that great father of the profession. Chancellor Kent declares, that before reading it, he had never been able to imagine how we administered justice in Pennsylvania, and congratulates, not merely the bar of Philadelphia, but every bar where the English Common Law is the basis of legal science, upon what might be anticipated from the future exertions of so vigorous a mind. Nor was this applause limited to our own country. Several British periodicals noticed the work in a tone not usual, in commenting upon things American; and the late Mr. Park, Professor of Law in King’s College, London, himself a well-known writer, entered into a correspondence with *Laussat*, which terminated only with his life.

Upon a man of less solid understanding, this accumulation of delightful praise would have fallen with an overwhelming force, and contenting him with what he had achieved, would have been fatal to all further effort; upon the well-regulated mind of our friend, it acted only as a strong incentive to urge him forward, and relaxed not in the slightest degree that severe and arduous toil, for which he had thus far been so worthily rewarded. About one year after the publication of the *Essay on Equity in Pennsylvania*, its author’s legal noviciate was

* Peter S. Du Ponceau, L. L. D.

brought to a close by his admission to practice. Before leaving this portion of his life, I cannot forbear a remark upon the fidelity with which the duties of instruction were performed by his eminent preceptor; and I am the rather inclined so to do, from an apprehension that it would be beneficial to students, if all, who open offices for their reception, would pay equal regard to their interests; he, to whom the charge of *Laussat's* instruction was confided, did not thrust out the feeble bark, freighted with all the young aspirant's hopes, into the vast cloud-covered ocean, to struggle through its dangers, to sink or swim, as *chance* might dictate; but with great care, great skill, he piloted it himself through the voyage, in whose success so much was staked. Left to himself, an ardent youth *may* sometimes "steer aright;" but for the many

O'er them and o'er their names the billows close;
 Tomorrow knows not they were ever born.

Issuing from the hands of one, who had taken so much pains to form his professional character, it cannot be matter of astonishment that *Laussat* at once assumed a prominent rank among the junior members of the bar. It was not by eloquence that he expected to rise; "an accurate judgment" (it is said,) "is seldom friendly to copious declamation," and luxuriant fancy and wild imagination were not his. If, with him, an appeal, clear and forcible, fluently expressed, carried not conviction directly to the reason, he sought not to mislead by calling to its aid the passions. There was nothing cold or dull, however, in his speaking; on the contrary, it was impetuous, and gleamed with all the fire and ardour of his soul.

In his intercourse with the court and jury, he was uniformly regulated by rules of strictest truth and honour; from these plain, yet noble guides of conduct, no temporary advantage to be gained could tempt him to depart. The wretched sophism, which throws the gloss of virtue over the deviations from her precepts, which stifles the accusing voice of conscience with a paltering subterfuge, a mental lie, found

no favour in his sight ; whatever conscience could not reconcile with perfect purity of heart, *that* was rejected ; for he wisely deemed no gain a recompense for loss of self-esteem. Bold and independent, he feared no frown, he courted no protection, he could not compromise his stern, unbending dignity, for any earthly favour. In his attention to business, no man was ever more prompt or more devoted ; the client left his office with the full assurance that his advocate would take the liveliest interest in his cause, and that no measure to ensure its success would be neglected, which human foresight or sagacious prudence could suggest. The preparation, which he made to appear in court was elaborate and thorough, and in conducting a suit through trial, his ability has been frequently felt and freely acknowledged. Amid the care and anxiety ever attendant upon an extensive practice, our friend still found time to prepare an edition of Fonblanque's Treatise on Equity, which, from its numerous notes and references to American decisions, is regarded as a valuable addition to the stock of legal learning, and is cited with approbation throughout the union. He occasionally contributed to the American Quarterly Review, in which his *critiques* exhibited abundant proof, that his taste in polite literature was as elegant and refined, as his learning in law was various and profound.

We have now completed the survey of a professional character, that perhaps approached as near perfection, so far as it was developed, as any which it has been our fortune to behold ; that its future would have been one of surpassing brilliance, had fate permitted, is a conjecture which irresistibly forces itself upon our minds, and we therefore lament over the early death of *Laussat*, not so much from a consideration of what he *really* was, as from an anticipation of what he must, at no distant period, have been.

Exclusive of ambition and talents, the other elements of his success are within the reach of every one ; without *them*, talents will lead to infamy, and ambition be of no avail. In-

dustry and integrity were those other elements. He who possesses them, let him guard them well; they are the most current coin of time, they may be of eternity; he who has them not, let him look to it; he is a moral bankrupt; he stands upon the brink of everlasting ruin. In our profession, Gentlemen, the man, who lacks these unpretending qualities, *may* sometimes rise, but his elevation only serves to make his fall more signal, more impressive. Industrious cunning, and the miserable arts of mean chicane, pandering to crime and prostituting justice, *may give one* practice, they can never give one honour. We have been told that the lawyer should “spurn at “baseness, abhor fraud, advocate pure morality, uphold truth, “and illustrate virtue.” How can he meet these duties, if he lack integrity?

The same constitution of mind and morals, which insures honourable success to the lawyer, opens likewise a similar prospect to the politician. In that character, the example of *Laussat* is equally worthy of our regard and imitation. It is a generally received opinion, that the politician of this country must sacrifice every principle of manly independence, and shutting up his motives in the most secret chambers of his soul, must, by intrigue, dissimulation and servility, creep into notice. This crooked, dangerous course, thronged by the worthless and depraved, had no charms for one, whose honest spirit could not brook the contact of deception, who could not “make debasing signs to catch the public eye.” Not actuated by that mean selfishness of motive, which directs the office-hunting politician, *Laussat* connected himself with the party which has been dominant in Pennsylvania for many years, and in 1830 was elected to represent this city in the State Legislature. Attending closely to his duties in that body, he laboured for the interests of his party, but with a wider range of feeling, he also laboured for the public good. His speeches were numerous, and always commanded “a most breathing silence.” All measures of obvious utility found in him an able advocate, and al-

though nearly the youngest member of the house, he was among the most respected. That the manner in which he discharged his duties was acceptable to his constituents, is proved by the fact, that he was again invited to present himself before the people, a candidate for their suffrages, an honour which he was obliged to decline. Leaving the halls of legislation, and returning into the ranks of private life, he still actively co-operated with the leaders of the Democratic party, and constantly enjoyed their fullest confidence and regard.

The severe mental exertions, which were required to meet his professional and political engagements, acting upon a delicate constitution, subject already to the ravages of a disease, that baffles every effort of the healing art, at length prostrated the enfeebled frame. His sufferings were not protracted; they rapidly advanced to their fatal termination; and in the last, dread hour,

A peace above all earthly dignities,
A still and quiet conscience,

sustained the courage of the sinking heart, and composed and calmed the wandering mind, to meet the awful change, unawed, unmoved. O'er the wreck of all the visions of beguiling hope, o'er premature decay, he murmured not, but sunk into the embrace of death, as best became a philosophic man.

If the contemplation of some faultless model is pregnant with instruction to the thinking mind, there stands not, in all the niches of ambition's temple, one more worthy of our reverence and imitation, than that which bodies forth the memory of our departed friend.